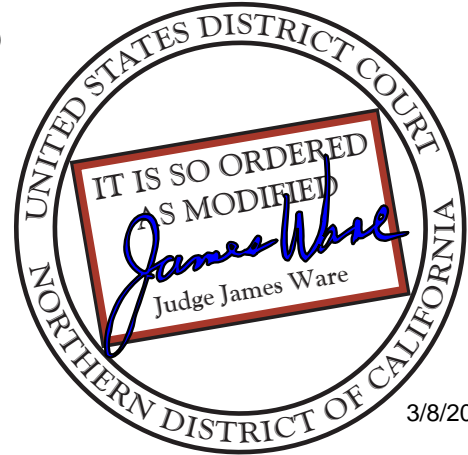


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9 NVIDIA CORPORATION



10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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15 The NVIDIA GPU Litigation
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18 This Document Relates To:

19 ALL ACTIONS
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Case No. C 08-04312 JW

**STIPULATION TO EXTEND TIME
TO FILE MOTION FOR CLASS
CERTIFICATION AND CONTINUE
HEARING DATE**

1 By order dated December 18, 2009, this Court set a hearing date of April 26, 2010 at 9:00
2 a.m. for Plaintiffs' anticipated Motion for Class Certification and directed the parties to complete
3 all briefing on the motion by April 5, 2010.

4 The parties currently are engaged in active mediation efforts with the Honorable Layn R.
5 Phillips (Ret.) as part of an effort to resolve this action, and believe that they are making progress
6 toward a near-term resolution of the lawsuit. To date the parties have participated in three
7 mediation sessions with Judge Philips. The first mediation session occurred on December 16,
8 2009 and involved not only the parties to the action, but also NVIDIA Corporation's
9 ("NVIDIA's") insurers. After the initial mediation session, the parties continued their settlement
10 discussions and updated Judge Phillips regarding the status of the negotiations during a telephonic
11 mediation follow-up call on January 8, 2010. The third mediation session, which again involved
12 NVIDIA's insurers as well as the parties, occurred recently on February 5, 2010 and was a day-
13 long mediation session.

14 Following the February 5, 2010 mediation session, the parties continue to actively pursue
15 settlement of the class claims based on Judge Phillips' observation that litigation costs would be
16 minimized, and the interests of all parties would be best served, by the parties continuing their
17 settlement discussions. At the conclusion of the most recent mediation session, NVIDIA advised
18 Plaintiffs that it needed to consult with several of the original equipment manufacturers
19 ("OEMs") concerning a number of issues raised during the mediation, and that NVIDIA believed
20 that the parties may potentially be able to avoid litigating a number of issues if NVIDIA were
21 permitted a brief period of time to consult with the OEMs. The parties agree that the mediation
22 process will likely be aided by NVIDIA being permitted a brief period of time to do so.

23 In addition, the parties anticipate the need for additional discovery, including depositions
24 of the five individual plaintiffs, depositions of NVIDIA and representatives of the primary OEMs,
25 and possible designation of expert witnesses.

26 As a result of the foregoing, the parties are in agreement that the current schedule
27 concerning briefing related to class certification should be modified. Extending the date for
28 completion of class certification briefing to June 7, 2010 and continuing the hearing to June 28,

1 2010 at 9:00 a.m. will allow the parties the additional time necessary to conduct discovery on
2 class certification issues and to advance potential resolution of the case through the ongoing
3 mediation without having to incur potentially unnecessary and avoidable investment of time and
4 expense that neither benefits the putative class, the defendant, or the Court.

5 Currently, a Preliminary Pretrial Conference in this action is calendared for June 14, 2010
6 at 11:00 a.m. with Preliminary Pretrial Conference Statements due June 4, 2010, however, in light
7 of the ongoing settlement efforts by the parties, the parties respectfully request that the Court
8 change the Preliminary Pretrial Conference to a Case Management Conference and adopt the
9 briefing schedule proposed below.

10 Accordingly, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs
11 and NVIDIA, through their counsel of record and Interim Lead Class Counsel for Plaintiffs, that:

- 12 1. All briefing on the motion for class certification shall be completed by May 24,
13 2010;
- 14 2. The current April 5, 2010 deadline for completion of briefing for class certification
15 shall be vacated;
- 16 3. The hearing date for the motion for class certification currently set for April 26,
17 2010 at 9:00 a.m. shall be vacated and a new hearing date for the motion for class certification
18 shall be scheduled for **June 14, 2010** at 9:00 a.m., or a date thereafter convenient to the Court; and
- 19 4. The Preliminary Pretrial Conference currently set for June 14, 2010 at 11:00 a.m.
20 shall be changed to a Case Management Conference and the Case Management Conference
21 Statements will be filed by the parties, in lieu of Preliminary Pretrial Conference Statements, on
22 June 4, 2010.

23 5. Nvidia's Motion to Dismiss Counts II, III, VI of Plaintiff's Second Amended Complaint (Docket Item No. 168)
24 is also continued from April 26, 2010 to June 14, 2010 at 9:00 AM in accordance with the modified briefing schedule
25 above.
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28

1 Dated: February 12, 2010

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Orrick, Herrington & Sutcliffe LLP

5 /s/ Joshua D. Watts

6 JOSHUA D. WATTS
7 Attorneys for Defendant
NVIDIA CORPORATION

8 Dated: February 12, 2010

JEFF S. WESTERMAN
SABRINA S. KIM
NICOLE M. DUCKETT
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12 /s/ Jeff S. Westerman

13 JEFF S. WESTERMAN
14 Interim Lead Class Counsel for
Plaintiffs and All Others Similarly Situated

15 The filer attests that concurrence in the filing of the document has been obtained from
16 each of the other signatories, or from the single signatory (in the case, e.g., of a declaration)
17 which shall serve in lieu of their signature(s) on the document.

18 IT IS SO ORDERED **AS MODIFIED**.

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20 DATE: March 8, 2010

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22 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2010, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on February 12, 2010.

/s/ Joshua D. Watts
Joshua D. Watts